

New Jersey State Board of Pharmacy
Minutes of the Open Session
May 8, 2002

I. CALL TO ORDER

The open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Anthony Alexander, in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on May 8, 2002 at 9:15 A.M. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Anthony Alexander read a statement that newspapers and appropriate elected officials had been notified of the meeting according to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6.

III. ROLL CALL

PRESENT:

Anthony Alexander, RP, President
Pamela Allen, RP
Ira Katz, RP-arrived at 9:45 A.M.
Sophie Heymann
Richard Palombo, RP-left at 1:45 P.M. (Executive Session)
Edith Tortora Micale, RP
Mona Doyle, RP - left at 2:50 P.M. (Executive Session)
Ed McGinley, RP
Robert Kowalski, RP

OTHERS IN ATTENDANCE

Marianne Greenwald, Deputy Attorney General
Debora Whipple, Executive Director
Marie Wondeh, Principal Clerk Stenographer

IV. APPROVAL OF OPEN SESSION MINUTES OF APRIL 24, 2002

The corrections for the April 24, 2002 Open Session Minutes will be addressed at the next Board meeting. The Board members were to submit any corrections to the Executive Director. No motion to approve was made. The corrected minutes of the April 24 Open Session will be re-submitted for approval at the next meeting of the Board.

V. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATION BY EXAMINATION AND GRADE TRANSFER

Sophie Heymann moved, seconded by Robert Kowalski, to approve the recommendation for examination. The motion passed unanimously.

Robert Kowalski moved, seconded by Sophie Heymann, to approve the recommendation for transfer. The motion passed unanimously.

VI. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATION FOR

REGISTRATION BY RECIPROCITY

Robert Kowalski moved, seconded by Sophie Heymann, to approve the recommendation for reciprocity. The motion passed unanimously.

A. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATION FOR REGISTRATION BY REINSTATEMENT

Robert Kowalski moved, seconded by Sophie Heymann, to approve the report with the exception being that Patricia Hane needs to complete 19 additional continuing education credits.

VII. OLD BUSINESS

(1) Memo from Maryann Sheehan re: Board of Pharmacy Proposed Regulations - Central Fill and Labeling Requirements

The full Board held a discussion of the Board of Pharmacy Proposed Regulations - Central Fill and Labeling Requirements and made limited changes.

Sophie Heymann moved, seconded by Robert Kowalski, to approve this amended version without returning it to the Board. The motion passed unanimously.

(2) Letter from Mary J. Ryan, Merck-Medco re: visit to their Willingboro Pharmacy

The Chair directed the Executive Director to set up a visit to the Willingboro Pharmacy of Merck-Medco.

VIII. NEW BUSINESS

(1) Letter from John A. Giampolo, Executive Director, Independent Pharmacy Alliance of America, Inc., re: Ad from CVS Pharmacy

The chair directed the Executive Director to request a response from CVS regarding the allegation made by Independent Pharmacy Alliance of America, Inc. of violation of prescription discount rule in the coupon mailing CVS used. The Executive Director will present this response to the Board upon receipt at the next available Board meeting.

(2) News Release from NCPDP re: NCPDP To Hold Educational Forums in May, August, and November

The item has been considered as FYI.

(3) Memo from Melissa Madigan

The Board discussed the memo with advice of counsel. The Chair directed the Executive Director to respond to the questions as follows (see attached letter):

1. Yes
2. Not available
3. N.J.A.C. 8-3a
4. No

The client will provide the Board with a copy of the final amended memo.

IX. ADDITIONS TO AGENDA

1. ENFORCEMENT BUREAU MEMORANDUM - FROM CLINTON SPAAR, RP, INVESTIGATOR I

In responding to an April 24, 2002 Board of Pharmacy request for uniformity when citing deficiencies, Enforcement responded with the memorandum for a Uniform System for citing deficiencies in regard to areas of : (I) "will-call" prescriptions, (II) identification continuity regarding medication transferred from the original manufacturer: container into automated dispensing systems and (III) documentation of consumer refusal for counseling.

The Board conferred with Clint Spaar and directed changes be made to the guidelines.

Regarding Section 1: Sophie Heymann moved, seconded by Edith Micale, to approve the guidelines as amended for use by the Enforcement Bureau. The motion passed unanimously.

Regarding Section 2: Sophie Heymann moved, seconded by Robert Kowalski, to approve the guidelines as amended. The motion passed unanimously.

Regarding Section 3: Edith Micale moved, seconded by Edward McGinley, to approve the guidelines as amended.

The motion passed with 6 ayes and 3 abstentions. Those that abstained were Ira Katz, Pamela Allen and Mona Doyle.

2. NACDS CONFERENCE

Board President Anthony Alexander agreed to represent the NACDS Conference in San Diego, CA from August 10-14.

Ira Katz moved, seconded by Sophie Heymann, to approve the Board's decision to send Mr. Alexander. The motion passed unanimously.

3. NABP RESOLUTION

Sophie Heymann reported on a resolution that is to be presented at the NABP Convention (see attached) regarding election of Directors to the Executive Board of NABP.

4. BOARD OF PHARMACY NEWSLETTER

Edward McGinley reminded the Board that submissions for the newsletter should be sent to him by May 15th.

XII. RECESS TO EXECUTIVE SESSION

At 11:30 A.M., Ed McGinley moved, seconded by Sophie Heymann for the Board to enter Executive Session to review 8 retail and IV permits, 8 inspections and 17 consumer complaints. The motion passed unanimously

XIII. ADJOURNMENT

Ira Katz moved, seconded by Edward McGinley, to adjourn the meeting at 3:05 P.M. The motion passed unanimously.

Respectfully submitted,

Debora C. Whipple
Executive Director